



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,767	08/09/2001	George Kataoka	TKA0031	4839

832 7590 01/15/2003

BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER

MENON, KRISHNAN S

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,767

Applicant(s)

KATAOKA GEORGE

Examiner

Krishnan S Menon

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4
- 4) ☐ Interview Summary (PTO-413) Paper No(s)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11, 12, 14-20, 24 and 28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nordskog (US 4,867,993).

Nordskog (993) teaches a filter device comprising a body with an open frame (22, 22a), blind frame (18, a, b), annular bottom member (14, 14 a), a chamber for substance to be extracted (16, 16a), with the blind frame, the body and the open frame adapted to be folded together as in instant claim 1 and 14 (fig 1-7). The body and the frames with the filter chamber could be folded up when not in use and expanded to a cup shape when in use as in instant claim 14. The open frame is tubular as in instant claim 2 (22 a, 22 b, fig 5 and 7). Container has a varied diameter from open frame to blind frame and forms an inverted cone as in instant claims 3 and 15. The open frame, the body and the blind frame have substantially the same height as in instant claims 4-6 and 16-18 (see fig 1, 7). The body and frames are made of material having predetermined rigidity as in instant claims 11 and 24, like paper as in instant claims 12 and 28 (col 2 lines 1-16). The upper end of blind end frame is extended along an inner peripheral face of the blind frame and integrally connected thereto as in instant claim 19 (see fig 7). The upper end of blind end frame is extended along an outer peripheral face of the blind frame and integrally connected thereto as in instant claim 20 (see fig 1 and 2).

Claim Rejections - 35 USC § 103

Art Unit: 1723

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordskog (US 4,867,993).

Nordskog (993) teaches all the elements of instant claim 7 as in claim 1 above, except the height of the blind frame being substantially twice that of the open frame. However, it would be obvious to one of ordinary skill in the art at the time of invention that the height of the blind frame and the open frame is a matter of design preference and could be set any convenient value.

2. Claims 8-10, 21-23, 25-27 and 29-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Nordskog (US 4,867,993) in view of Hayes (US 4,520,716).

Nordskog (993) teaches all the elements of the instant claims as in claims 1 and 14 above and the plurality of connecting pieces integrally connecting the open frame and the blind frame together (the members between the accordion folds 30a in fig 5) as in instant claim 10, 23, 27, 31 and 35; except for the reinforcing frame of predetermined rigidity formed on the blind frame and which

Art Unit: 1723

forms a cup holding frame. Hayes (716) teaches the reinforcing frame forming a cup holder in a coffee maker filter (fig 1b, 1 and 1a) as in the instant claims. It would be obvious to one of ordinary skill in the art at the time of invention to use the teachings of Hayes (716) to have a cup holder incorporated into the teachings of Nordskog (993) for attaching the filter on a coffee cup.

3. Claims 13 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordskog (US 4,867,993) in view of Hayes (US 4,520,716) as applied to claims 8-10 above, and further in view of Koslow et al (US 6,103,116).

Nordskog (US 4,867,993) in view of Hayes (US 4,520,716) does not teach non woven fabric for the filter material as in instant claim 13 and 32-35. Koslow (116) teaches non woven fabric material for a similar coffee filter for higher flow rates (col 4 lines 10-15). It would be obvious to one of ordinary skill in the art at the time of invention to use non-woven fabric as taught by Koslow (116) for obtaining higher flow rates, in the teachings of Nordskog (US 4,867,993) in view of Hayes (US 4,520,716).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Following references teach collapsible filters similar to the instant invention:

Heezko (US 2002/0096055 A1); Valtri (US 3,434,589); Close (US 3,823,824); Miya (US 5,894,786).

Art Unit: 1723

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan S. Menon
Patent Examiner
January 9, 2003


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700